



Montoya, Darlene <dmontoya@nmag.gov>

Policies & Procedures

3 messages

Loretta Juarez <l.juarez@roswell-nm.gov>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Tue, Jan 24, 2017 at 11:57 AM

Hello Darlene,

My name is Loretta Juarez with the Roswell Police Department in Roswell, New Mexico. I was given the letter from Julia Anderson reference our Policies & Procedures regarding Officer-Involved Shootings and Use-of-Force. I have attached those policies per your request. If you have any questions, feel free to contact me.

Thank you,

Loretta Juarez

Roswell Police Department

128 W. 2nd St.

Roswell, NM 88201

[575-625-5369](#)

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 [Use of Force-Officer Involved Shooting Policy.pdf](#)
9904K

Montoya, Darlene <dmontoya@nmag.gov>
To: Loretta Juarez <l.juarez@roswell-nm.gov>

Tue, Jan 24, 2017 at 1:34 PM

Thank you so much Ms. Juarez. There was a request from the Subcommittee regarding the last time these policies were reviewed and/or revised, and how often your officers receive training on these policies. Please let me know and I will include it with the policies you provided.

Thank you.

[Quoted text hidden]

—
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](#)

Loretta Juarez <l.juarez@roswell-nm.gov>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Mon, Jan 30, 2017 at 12:39 PM

Hello Darlene,

They policy was last revised beginning of 2014 (I believe date is at the top of the policy). And the trainings are usually done annually unless an instance should arise involving either or in which training is offered.

Thank you,

Loretta Juarez

From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Tuesday, January 24, 2017 1:35 PM

To: Loretta Juarez

Subject: Re: Policies & Procedures

[Quoted text hidden]

[Quoted text hidden]

Number: 110.003
Reference: Officer Involved Shooting
Affected Personnel: All Personnel

Effective Date: 01-01-2014

Revision Date:

I. Policy:

It shall be the policy of the Roswell Police Department to conduct thorough and unbiased investigations into all instances where deadly force is used by its sworn personnel.

II. Purpose:

- A. For the purposes of this policy, use of deadly force applies to the intentional use of deadly force by members even if no property damage, injury, or death occurs. This policy does NOT cover accidental discharges or the intentional and lawful destruction of an animal.

III. Definitions:

- A. **Deadly Force:** That force which is intended to cause death or serious bodily injury or which creates a specified degree of risk of causing death or serious bodily injury.
- B. **Principal Personnel:** Any officer who under "color of law" actually uses deadly force or discharges a firearm when that force is directed at a specific individual, even if no injury results.
- C. **Involved Personnel:** Any officer present at the scene where under "color of law" deadly force has been used by a member of this department when said force was directed at a specific individual, even if no injury results.

IV. Duties and Responsibilities of Principal and Involved Personnel:

- A. Provide emergency medical assistance and request a supervisor.
 - 1. Once the situation is controlled and the threat to the officers and civilians is no longer present, officers shall ensure that medical attention is provided where necessary and possible to anyone injured.
 - 2. An on-duty supervisor shall be notified and shall respond to the scene.
- B. Secure the crime scene and preserve evidence.
 - 1. The entire crime scene (or scenes) shall be secured in such a way as to prevent the removal or destruction of evidence.

2. If any evidence, especially weapons, must be removed prior to the arrival of C.I.D., officers shall note the exact location and condition of the evidence before it is disturbed. When possible, this evidence shall be preserved for fingerprints. The officer moving the evidence shall ensure all details are reported to the T.S.U. Detective at the scene and included in a report.
3. Only essential personnel shall be allowed into the crime scene unless specifically authorized by the C.I.D. supervisor. Essential personnel shall be limited to principal and involved officers, emergency medical services, the supervisor in charge, C.I.D./T.S.U. detectives, Professional Integrity, and the District Attorney's Office.

C. Submit to a brief interview and be afforded an opportunity to conduct a walk through with the supervisor in charge and/or C.I.D. Detective.

1. As a preliminary matter, principal and involved personnel shall submit to a brief interview by the supervisor and/or C.I.D. detective. This interview shall be limited to a walk through of the crime scene, a brief description of events, and any information needed to locate evidence, witnesses, or additional suspects.
2. Upon completion of the initial interview, principal and involved personnel shall not discuss the events of the shooting among themselves or with other department members until a formal interview has been completed by C.I.D.
3. Exception: Personnel may answer questions or openly discuss the situation with the department psychologist anytime during the investigation.

V. Duties and Responsibilities of the First Responding Supervisor:

- A. Assume command of the crime scene until relieved by a higher-ranking supervisor or a C.I.D. supervisor.
- B. Ensure the crime scene is secure and that all persons in need of medical attention receive it in a timely manner.
- C. Ensure that Chief, Deputy Chief, on-call Commander, C.I.D., and T.S.U., are notified of the incident.
- D. Ensure that principal and involved personnel are secured in the inner perimeter and not subjected to scrutiny from other officers, the media, etc.

1. Personnel shall be warned not to discuss the events among themselves or tamper with their weapons until contacted by a detective.
- E. Give a full report of events to the C.I.D. detective and/or supervisor and relinquish command of the crime scene to C.I.D.

VI. General Duties and Responsibilities of the Criminal Investigations Division (C.I.D.)

- A. C.I.D. shall be responsible for all phases of the criminal investigation including crime scene processing and collection of evidence.
- B. C.I.D. shall be responsible for notifying the District Attorney's Office as soon as practical and ensuring that a representative of that office is present to observe all phases of the investigation.
- C. When applicable, C.I.D. shall be responsible for notifying the Field Deputy Medical Examiner as soon as practical upon completion of the initial investigation. When deemed necessary, a C.I.D. detective will accompany the body to the Office of Medical Investigator (O.M.I.).
- D. The C.I.D. Commander shall have sole authority and responsibility for all phases of the criminal investigation, crime scene security, and collection of evidence.

VII. Specific Duties and Responsibilities of Criminal Investigations Personnel:

A. The C.I.D. Commander shall:

1. Respond to all police shooting incidents and be responsible for the overall coordination of the investigation.
2. Direct the transportation of principal and involved personnel to the police department.
3. Hold a debriefing with the Chief of Police, Deputy Chief of Operations, and Professional Integrity Unit no later than the first normal work day after the incident.
4. Control the release of information relating the incident. Any information to be released to the media must have prior approval from the C.I.D. Commander and Deputy Chief of Operations.

B. The C.I.D. Sergeant shall:

1. Respond to all officer-involved shootings to coordinate and oversee

all aspects of the on-scene and follow-up criminal investigation.

2. Designate a primary investigative team, including T.S.U. personnel, to investigate all such incidents.
3. Act as liaison between C.I.D. and other units at the scene and ensure that the District Attorney's Office is notified.
4. Keep the C.I.D. Commander informed of all aspects of the investigation.
5. Personally supervise the collection of all weapons involved and ensure that replacement firearms are issued.
6. Take responsibility for principal personnel and ensure their needs are taken care of and their rights are protected.
7. Ensure that the Professional Integrity Unit is allowed full access to all aspects of the investigation EXCEPT interviews of principal personnel.
8. If necessary, conduct an on-scene briefing with representatives from the District Attorney's Office, Professional Integrity Unit, and O.M.I.

C. The primary C.I.D. Detective or his designee shall:

1. Coordinate the walk through with the uniform supervisor, primary or involved personnel, and T.S.U. personnel.
2. Coordinate crime scene processing and evidence collection with the T.S.U.
3. Coordinate with secondary investigators to ensure that all independent witnesses and involved officers are interviewed.
4. Personally interview all principal officers involved.
5. Take possession of all weapons involved and ensure they are booked into evidence.
6. Cooperate fully with representatives from O.M.I., Professional Integrity Unit, and the District Attorney's Office.

D. The Technical Service Unit shall:

1. Immediately obtain access to the crime scene and all principal and

involved personnel for the sole purpose of collecting all physical evidence.

2. Limit questioning of personnel to those questions necessary to locate any and all evidence.
3. Process the crime scene and collect all evidence via established procedures.
4. Cooperate fully with C.I.D. detectives and complete all reports in a timely manner.

VIII. Initial Interview of Witnesses, Involved Personnel, and Principal Personnel:

- A. As a preliminary matter, any officer that was present during a shooting, but not involved in the shooting, may be utilized for the preliminary investigation and any necessary "walk through."
 1. Persons involved in the "walk through" of the crime scene shall be limited to:
 - a) Principal or involved personnel their supervisor, and representative.
 - b) Primary C.I.D. detective(s).
 - c) C.I.D. supervisor.
 - d) T.S.U. I.D. Detective(s).
 - e) District Attorney's representative.
 - f) Professional Integrity Unit Detective.
 - g) O.M.I. (if death has occurred)
 2. Principal personnel may be utilized for the preliminary investigation and walk through only if absolutely necessary.
- B. Involved personnel and civilian witnesses should be interviewed prior to interviewing principal personnel.
- C. At the discretion of the C.I.D. Commander, principal personnel may be briefly questioned at the scene concerning information necessary to locate and care for the injured, attempt to apprehend suspects, protect the crime scene, locate evidence, or identify witnesses.

1. If such questioning is deemed necessary, the principal personnel will be advised of his Miranda Rights. If Miranda is waived, the questioning may occur.
2. If the officer requests an attorney, no questioning shall occur.

D. Principal personnel will be removed from the scene as expeditiously as possible and transported to the police department at the direction of the C.I.D. Commander. They should remain separated and shall not be subjected to questioning by other officers, the media, etc.

E. Principal personnel shall be given the opportunity to consult with the department psychologist and an attorney, if they so desire, before giving any formal statement.

IX. Formal Statements of Witnesses and Officers:

- A. C.I.D. detectives shall tape record all statements taken from civilian witnesses.
- B. Involved officers will be required to give a formal statement or complete a detailed report at the discretion of the primary detective.
- C. Principal officers will be interviewed by the primary detective and/or his designee subject to the following:
 1. Principal personnel shall be advised of their Miranda warnings and asked to give a formal statement. If Miranda is waived, the interview may continue. All statements will be tape recorded.
 2. If the principal personnel indicates he wishes to consult an attorney, a reasonable time will be allowed for such consultation before any formal statement is given.

D. Internal Affairs Investigators shall not question personnel involved in shootings or use of force incidents until C.I.D. has indicated it is appropriate or when so ordered by the Chief's Office. All statements taken by Professional Integrity Unit shall be recorded.

X. Personnel Required to Submit Reports:

- A. With the exception of interviewed personnel, all police personnel present at the scene during the investigation shall submit a written report detailing their involvement.

- B. All written reports will be submitted to the C.I.D. Sergeant for review no later than the end of their tour of duty.
- C. Professional Standards and Internal Affairs Division shall have access to copies of all reports.

XI. Processing Involved Weapons:

- A. Any weapons present at the scene shall be given to the primary C.I.D. Detective or his designee upon request.
- B. Involved weapons shall not be tampered with, opened, loaded, or unloaded, except by the primary detective or his designee.
- C. Involved weapons shall be inspected, tested, and secured as evidence according to established procedures.
- D. Personnel required to surrender weapons will be issued a replacement weapon similar to the one surrendered, if possible.
- E. Involved weapons shall be examined and tested without delay and returned to the officer as soon as possible.

XII. Administrative Leave and Psychological Evaluation

- A. All principal personnel shall be placed on administrative leave with pay for a minimum of three (3) days following a shooting.
- B. Involved personnel may be placed on administrative leave with pay on the advice of the department psychologist.
- C. Principal and involved personnel shall be required to undergo a psychological evaluation at department expense prior to returning to duty.

XIII. Administrative Investigation of Officer Involved Shooting:

- A. Officer involved shootings, in addition to any criminal investigation, will also be investigated as an internal administrative matter.
- B. The basic guidelines for an administrative investigation:
 1. Determine if a rule, policy, or procedure was violated.
 2. Investigate other aspects of the incident in regards to officer training,

equipment, the type of force used, and the effectiveness of department policy.

3. Special attention is paid to the time frames, prior to the incident, during the incident, and after the incident.
4. Since employees are compelled to provide information in an administrative investigation that information cannot be given to criminal investigators.
5. Information obtained in the course of a criminal investigation can be used for administrative purposes.
6. Criminal investigations and administrative investigations must be kept separate. The criminal case shall always be done first.
7. The role of the administrative investigator is that of a fact finder.

Number: 114.002
Reference: Use of Force
Affected Personnel: All Personnel

Effective Date: 01-01-2014
Revision Date:

I. Policy:

It is the policy of the Roswell Police Department, in compliance with the Fourth Amendment of the United States Constitution, that our police officers shall use only that force which is reasonably necessary to maintain control of an incident, to effect lawful objectives or while protecting the lives of themselves or another.

This policy is intended to establish general guidelines for the Use of Force by department members. Nothing in this policy shall dictate that members always begin with the minimum level of force as circumstances may require the immediate use of less- than-lethal or deadly force options. Members are reminded, however, that the least amount of force necessary to accomplish the task shall be used.

Officers are permitted to use those tactics and weapons with which they are trained, qualified and certified. However, in life-threatening circumstances involving self-defense or the defense of others, any available tool, device or method of delivering deadly force may be used to stop life-threatening actions.

- A. The United States Supreme Court, in a case entitled Graham v. Connor, set forth the analytical model by which all use of force cases are reviewed. As required by Graham, an officer's use of force is assessed by examining the facts and circumstances known to the officer, including a review of the following:
 1. The severity of the suspect's crimes;
 2. The immediacy of the threat posed by the suspect to the safety of the officer or others; and
 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- B. As used by Graham, objective reasonableness is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than an officer's *subjective* belief about a suspect and the level of threat that the suspect poses. Indeed, an officer cannot base a decision to use force on a hunch, a feeling, or some other unquantifiable belief. It is an *objective* test which means that the officer's good faith beliefs for taking certain action are irrelevant.

- C. Instead, an officer must be able to identify specific and articulable facts which led to the officer's conclusion and subsequent decisions to act. Essentially, an officer must list the information that he or she observed, heard, or otherwise collected through reliable police channels along with the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect's threat level. An officer may identify information collected which may only be apparent to a trained police officer.
- D. Based on those specific and articulable facts, an officer can then use his or her training and experience to interpret the known information and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion an officer draws about a suspect must be based on the known facts apparent to the officer at the time.
- E. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments --This is why the Graham test is called objective *reasonableness*, not objective *certainty*.
- F. Reasonable force may be used by an officer in the performance of duties, when:
 - 1. To prevent a crime from occurring or interrupt a crime;
 - 2. To prevent someone from hurting themselves or another;
 - 3. To impose custody, overcome resistance, prevent assault on the officer or another person(s);
 - 4. or to accomplish law enforcement actions in all other circumstances where the use of force is necessary.

II. Definitions:

- A. Deadly Force: Any power set into motion or any action which, from the manner used, is likely to produce death or serious physical injury.
- B. Non-deadly Force: Any force used other than that which is considered deadly force.
- C. Serious Physical Injury: any physical injury to the body, including an injury that caused, either temporarily or permanently, partial or total

physical disability, incapacity or disfigurement. (ADM.5.01 commentary)

- D. Reasonable Belief: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.(ADM.5.01 commentary)
- E. Less Lethal Force: Force that is intended to cause or which is likely to cause bodily harm and in certain circumstances may result in death or great bodily injury.
- F. Less Lethal Munitions: Munitions designed to incapacitate hostile individuals without causing death or great bodily harm, but, that possibility always exists even though the munitions are deployed properly.
- G. Imminent Danger: the immediate perception of a threatened or impending injury which would cause a reasonable and prudent officer to instantly raise their defense against such jeopardy or danger.
- H. Imminent Danger of Death: An immediate threat to the life or safety of an officer or another human being.
- I. Immediate Threat: Current indication or warning of probable harm
- J. Excessive force: Force used that is beyond the force a reasonable and prudent law enforcement officer would use under the circumstances. (ADM.5.01 commentary)

III. Deadly Force

- A. The Roswell Police Department recognizes and respects the integrity and paramount value of all human life. Use of deadly force must be objectively reasonable under all the circumstances known to the officer at the time, therefore Roswell Police Officers are authorized to use deadly force when:
 - 1. The officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person. (ADM.05.01c.)
 - 2. To prevent the escape of or to stop a suspected felon who has committed a crime involving infliction of serious physical injury or threat thereof and who has the ability to carry out that action or threat.
- B. The necessity to use deadly force arises when all other available means of preventing imminent danger of death or serious physical injury to officers or other persons have failed or would be likely to fail. Thus, employing

deadly force is permissible when there is no safe alternative to using such force, and without it the officer or others would face imminent danger of death or serious physical injury. An officer is not required to place him or herself, another officer, a suspect, or the public in unreasonable danger of death or serious physical injury before using deadly force. Whenever feasible, a public officer should give warning prior to using deadly force.

- C. Determining whether deadly force is necessary may involve instantaneous decisions that encompass many factors, such as the likelihood that the subject will use deadly force on the officer or others if such force is not used by the officer; the capabilities of the subject; the subject's access to cover and weapons; the presence of other persons who may be at risk if force is or is not used; and the nature and the severity of the subject's criminal conduct or the danger posed.
- D. Deadly force should never be used upon mere suspicion that a crime, no matter how serious, was committed, or simply upon the officer's determination that probable cause would support the arrest of the person being pursued or arrested for the commission of a crime. The United States Supreme Court, in a case entitled Tennessee v. Garner, set forth the analytical model by which all use of force cases involving fleeing subjects are reviewed. As required by Garner, an officer's may use deadly force to prevent the escape of a fleeing subject if there is probable cause to believe:
 - 1. The subject has committed a crime involving the infliction or threatened infliction of serious physical injury or death, AND
 - 2. The escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person. (ADM.05.01d)
- E. As used in this policy, "imminent" has a broader meaning than "immediate" or "instantaneous." The concept of "imminent" should be understood to be elastic, that is, involving a period of time dependent on the circumstances, rather than the fixed point of time implicit in the concept of "immediate" or "instantaneous." Thus, a subject may pose an imminent danger even if he or she is not at that very moment pointing a weapon at the officer or another if, for example, he or she has a weapon within reach or is running for cover carrying a weapon, closing distance on a potential victim or running to a place where the officer has reason to believe a weapon is available.

F. Officers may also discharge a firearm under the following circumstances:

1. To safely destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured;
2. During qualifications, range practice, or sporting events.
3. Officers in extreme circumstances may use "draw suppression" fire to drive a shooter back or draw a shooter away from innocent civilians. When in an active gunmen situation or in a citizen/officer rescue an officer may need the use of suppression fire to gain an advantage over the active shooter. When applying suppressive fire the officer shall assure that his direction of fire is safe. The officer should consider applying the suppressive fire over the top of windows or doors at an upward angle, into the corner of a structure, or at the ground.

G. In any surroundings there remains a heightened probability that a discharged projectile (bullet) could ricochet and/or return to the earth's surface (ground) and unintentionally strike an innocent or uninvolved citizen. Therefore, warning shots are prohibited, absent a justified emergency where doing so would save an officer, or another, from death or serious physical injury. Warning shots shall be fired in such a manner so as to not endanger innocent parties and with due regard for the officer's surroundings. (ADM.05.02)

H. Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another.

1. When the only means of an assault on an officer is by motor vehicle,
 - a) Officers will not fire upon the vehicle if able to move out of the vehicle's path.
 - b) Officers must place themselves in the most tactically safe position possible.
 - c) Officers will not purposely place themselves in the path of a vehicle to justify the use of deadly force.

I. Prohibited uses of deadly force:

1. Officers shall not unreasonably or unnecessarily endanger themselves or the public in applying deadly force pursuant to

this policy or state law.

- b) An officer shall not rely solely on third party reports as a basis for use of Deadly Force, without firsthand knowledge of an alleged offense.
- c) An officer shall not use deadly force in situations that would not be in accordance with New Mexico State Statute.
- f) Officers shall not fire into a building or through doors unless the suspect can be identified and is clearly visible and the use of deadly force is authorized by this policy.

J. Training

- 1. Officers shall not be authorized to carry a firearm until they have received a copy of this Use of Force Policy and been trained in its proper application. (ADM.05.03)

IV. Reporting Procedures:

- A. In instances where police actions are used which result in death or great bodily harm, the reporting and investigation process will be followed in accordance with the Officer Involved Shooting policy.

V. Less than lethal force:

- A. Where deadly force is not authorized, officer(s) shall use only that level of force allowed by the Reactive Control Model for the given situation, and Officers will follow a force "continuum" in responding to perceived threats. Officer(s) are authorized to use Department-approved non-deadly-force techniques and issued equipment for which they are trained and certified. All Department Members who are trained with, and issued Less Lethal tools will be required to undergo refresher training and qualification (if applicable) at least biennially for any weapons other than firearms. Department members may use physical force and need not retreat or stop when physical force is necessary to effect an arrest, prevent an escape, or overcome resistance to lawful police action. (ADM.05.01b)

- 1. **Use of empty hand techniques**: Officer(s) are authorized to use empty-hand techniques (i.e.. distraction techniques, compliance holds, leveraged and impact takedowns) in compliance with the Reactive Control Model.

2. **Oleoresin Capsicum (O.C):** Officer(s) are authorized to use Department-issued chemical agents for which they are certified and trained to use. The use of chemical agents by officer(s) shall comply with the Reactive Control Model.

- a) Members shall only carry a department issued O.C.
- b) Any misuse of the O.C. aerosol spray shall be appropriately documented by supervisors. The O.C. canister shall be confiscated by the supervisor pending Administrative Review and Disciplinary Action.
- c) Officers whose normal duties may require them to make arrests shall be required to carry O.C. spray while on duty.
- d) Whenever practical and reasonable, officers should use their department issued digital recorder during the events surrounding the deployment of O.C.
- e) As soon as practical, any person exposed to O.C. spray shall be given the opportunity and means to neutralize the effects of the spray.
- f) Medical treatment shall be provided if the arrestee requests it or if deemed necessary by the officer.
- g) In all instances notify jail personnel that the prisoner has been exposed to O.C. spray and inform them of proper treatment techniques should additional treatment be required.
- h) All applicable reports will be completed.

3. **Use of expandable baton:** Officer(s) are authorized to use Department-issued expandable batons for which they are certified and trained to use. The use of the expandable baton by officer(s) shall comply with the Reactive Control Model.

- a) Department issued batons are the only batons authorized to be carried by members of the Roswell Police Department. No other baton will be carried or used.
- b) Members shall not alter or modify the police baton in such a way as to deviate from its basic design. The addition of a flashlight to the ASP would not deviate from the basic design of the baton.

- c) Strikes to parts of the body capable of inflicting death (i.e., head, neck, spine and groin) shall be avoided unless deadly force would otherwise be justified.
- d) Batons shall be carried by uniformed patrol officers on traffic stops and whenever handling disturbance calls, contacting suspicious persons, making arrests, and for crowd control.
- e) Whenever a member is required to use a baton to effect an arrest, that arrestee shall be taken to nearest medical facility where they are to be examined and treated for any injury resulting from the use of the baton.
- f) The use of a baton is expected to leave immediate bruises or welts on the offender. These bruises, welts or any other visible injury to the offender shall be photographed by appropriate department personnel.
- g) All applicable reports will be completed.

4. Pepper Ball Launcher:

Officer(s) are authorized to use Department-issued pepperball launcher for which they are certified and trained to use. The use of the pepperball launcher by officer(s) shall comply with the Reactive Control Model. The Pepperball launcher system is designed to safely deploy O.C. from a greater distance. Pepperball Launcher can also be used as a tool for crowd control.

- a) All members shall be required to satisfactorily complete a user certification course approved and taught by the Training Division.
- b) Department issued PepperBall launchers are the only PepperBall delivery systems authorized to be used by members of the Roswell Police Department. No other delivery systems or personal paint guns will be carried or used. PepperBall rounds will only be fired from department issued PepperBall guns and will be used only in the line of duty or in approved training.
- c) Members shall not alter, adjust, or modify the PepperBall launcher in such a way as to change the pressure of the gun, the velocity of the rounds, or the basic design of the gun. The addition of lights and/or reflex sights may be added at the discretion of the Deputy Chief.

- d) The PepperBall launcher is a useful tool, especially in those controlled situations where an individual is armed with a blunt or edged weapon. The PepperBall launcher should be considered for use in conjunction with SIMS Munitions for resolving the situation.
- e) The effects of PepperBall, and SIMS may not always incapacitate an individual. As such, they should only be used when a deadly force option back up exists.
- f) Members should remain aware that the effects of the O.C. powder may vary between individuals, therefore, they must remain alert to the possibility that other means may be necessary to subdue the offender.
- g) When deploying the PepperBall launcher to saturate an area or when directed at offender(s), members should consider environmental issues such as wind and rain and be aware of accidental contamination of other officers and bystanders.
- h) The PepperBall launcher shall never be used to target the head or spine of an offender unless deadly force would otherwise apply.

I) Treatment of Offenders:

- 1) As soon as practical, any person exposed to OC Powder shall be given the opportunity and means to neutralize the effects of the powder.
- 2) Exposed persons should wash the affected area with cold water only. Do not use any creams, ointments, or bandages on the affected areas.
- 3) Medical treatment shall be provided if the arrestee requests it or if deemed necessary by the officer.
- 4) In all instances, notify jail personnel that the prisoner has been exposed to O.C. Powder and inform them of proper

treatment techniques should additional treatment be required.

j) **Documentation:**

- 1) The use of the PepperBall System is expected to leave immediate bruises or welts on the offender. These bruises, welts or any other visible injury to the offender shall be photographed by appropriate department personnel.
- 2) All applicable reports will be completed

k. **High Pressure Air Charging:**

- 1) As with any high-pressure system, caution must be exercised to prevent a hazardous situation. The High Pressure Air Tanks for refilling bottles to power the SA200 will be kept in a secure location. Everyone attending the PepperBall Certification course will be qualified to charge his/her own bottle, but for increased safety, two persons will be present when recharging.

5. **Use Electro-Muscular Disruption-(Advanced Taser):**

Officer(s) are authorized to use Department-issued Electro-Muscular Disruption-(Advanced Taser) for which they are certified and trained to use. The use of the Electro-Muscular Disruption-(Advanced Taser) by officer(s) shall comply with the Reactive Control Model. The taser is a police tool, which is listed in the force continuum at the same level as O.C. and baton.

- a) Decision to use the Taser is based on the same criteria an officer uses when selecting to deploy O.C. or baton.
- b) The Taser is not meant to be used in deadly force situations. The Taser should not be used without a firearm as a backup in those situations where there is a substantial threat towards the officer or others present.
- c) Department personnel shall only carry and use Advanced Tasers or electrical incapacitation devices

approved by the Chief of Police. The Advanced Taser will only be carried cross draw from primary weapon hand and should be across the center of the body.

- d) Members may only use department issued Advanced Taser cartridges
- e) Any use of an electronic incapacitation device (Taser) contrary to the direction of this policy can result in the revocation of the officer's right to use such product and may subject the officer to disciplinary action up to and including dismissal.
- f) The Advance Taser will never be used punitively or for purposes of coercion.
- g) Prior to the deployment of an Advance Taser, the person deploying has the responsibility to visually and physically confirm that the tool selected is in fact an Advance Taser and not a firearm.
- h) The deploying person should notify any on-scene assisting officers that they intend to deploy an Advanced Taser. Immediately prior to deploying the Advanced
- i) The deploying person should announce, if feasible, "Taser, Taser, Taser!" The announcement should be made only if it would not endanger any civilians, officers or suspect.
- j) The Advance Taser will not be deployed at a subject who has come in contact with flammables, or in environments where flammables are obviously present.
- k) Proper consideration and care should be taken when deploying the Advanced Taser on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death.
- l) Advanced Taser should be discharged at lower center mass if subject is facing you, or center mass if turned away from you. Officer should also try to split the hemisphere, (one probe above the waist line, one below). Officer should try to avoid the head, face, upper front chest, and groin area.

- m) The Advanced Taser may be quickly reloaded, and discharged again, or used as a touch-stun backup should the individual free himself/herself from the dart.
- n) All members who carry and / or use an Advanced Taser must first successfully complete an eight (8) hour Advanced Taser User Course which includes written and practical tests. All officers will receive any new information on the Taser via briefing and written material.

o) Treatment of offender:

- 1) Once the situation is under control, the taser will be shut off and the on duty supervisor will be immediately notified
- 2) An Advanced Taser will not be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
- 3) Medical personnel may be summoned to the scene to assess the subject. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Medical treatment will not be refused for anyone who requests it.
- 4) Spent Taser cartridges will be held as evidence for 3 years unless there is pending litigation.

p) Removing the Taser Probes:

- 1) Medical personnel will remove probes located in sensitive areas such as the face, neck, groin or breast
- 2) Removal of probes in other areas may be done by officers at the discretion of the on scene supervisor.
- 3) Officer will put on gloves, place spent taser cartridge on the ground or other flat surface with holes up, firmly grasp the probe and with one pull remove probe from the subject and place probe point down in the spent cartridge. DO NOT HOLD CARTRIDGE WHILE PLACING USED PROBE INTO CARTRIDGE, INSTEAD KEEP IT ON THE GROUND Or OTHER

FLAT SURFACE. Probes that have been removed from skin will be treated as biohazard sharps. They should be placed point down into the expended cartridge bores and secured with tape.

Handle, store and dispose of cartridge in the same manner as biohazardous waste.

4) With antiseptic wipe, clean the skin in a circular motion moving from puncture wound out. Do not go back and forth across the puncture wound, start in center and move outward in a circular motion. After air drying apply clean dry band-aid. Follow same procedure for removal of second Taser probe.

5) Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe, or probe barb has broken off and is still embedded in a subject's skin, the subject should be provided appropriate medical attention to facilitate the removal of the object.

6) Photographs will be taken of probe impact or drive stun sites and any other related injuries.

q) Officers will complete all applicable reports as required by department policy.

r) **Use of an Advanced Taser on Animals:**

1) Personnel should deploy an Advance Taser on an animal when other conventional means to control the animal have been exhausted, or may be unreasonable and the animal poses an active threat to officers in their efforts to perform their duty.

2) The use of an Advanced Taser on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident.

3) Officers should be prepared to use other means of force if necessary and should use conventional means of animal control if feasible. Example: Control stick, cages etc..

4) Center mass of the animal should be targeted.

- 5) Care should be taken to ensure the head, and other sensitive areas on the animal are not targeted.
- 5) Procedures for probe removal should take place as outlined above.
- 6) Officers will take reasonable measures to ensure the animal's welfare is provided for, in the event that probes impact a sensitive area or it appears the animal's health is in jeopardy.
- 7) As long as personnel acted appropriately; the animal's owner will be responsible for any medical attention needed by the animal.
- 8) Officers will complete all applicable reports as required by department policy.

B. Specialty Impact Munitions (SIMS):

1. These munitions provide an officer alternatives to lethal force. SIMS are designed as a less than lethal munitions to be employed against individually selected targets.
 - a) The Remington 870 Marine Magnum 12 gauge shotgun is the designated SIMS weapon for the Roswell Police Department. No other shotgun is authorized. These shotguns shall not be loaded with any rounds other than less-than-lethal munitions.
 - b) All members designated to use less-than-lethal munitions shall complete a course of instruction approved by the Training Division and certified by the New Mexico Law Enforcement Academy.
 - c) Specialty Impact Munitions, including bean bag rounds, rubber pellet rounds, and foam or wooden baton rounds are designed to incapacitate hostile individuals without causing death or great bodily injury, however, there always exists that possibility even when deployed properly.
 - d) The use of the munitions is recommended in situations where an individual is armed with a blunt object or edged weapon. Extreme caution should be used when these munitions are deployed against an unarmed individual.

- e) While the use of SIMS is not recommended where an individual is armed with a firearm, nothing herein shall prevent these munitions from being used when the officer reasonably believes them to be a viable less than lethal solution to a situation.
- f) The effects of Specialty Impact Munitions will vary and may not always incapacitate an individual. As such, they should only be used when a deadly force option back up exists.

2. Treatment of Offenders:

- a) Whenever a member is required to use a Specialty Impact Munition to effect an arrest, that arrestee shall be taken to the nearest medical facility where they are to be examined and treated (if necessary) for any injury resulting from the use of SIMS.

3. Documentation:

- a) The use of SIMS Munitions is expected to leave immediate bruises or welts on the offender. These bruises, welts or any other visible injury to the offender shall be photographed by appropriate department personnel.
- b) All applicable reports will be completed
not yet been proven.

4. Supervisor Responsibility:

- a) The first supervisor on scene should ensure that proper care is given to injured officers and/or citizens.
- b) The supervisor should ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the suspects and protection of the scene.
- c) Determine if CID and/or TSU are needed.
- d) Ensure that all applicable reports are completed as required by department policy.

C. Members may be requested to demonstrate proficiency at any time for any of the less than lethal tools used by the Roswell Police Department. Authorization to carry any less than lethal tool may be revoked if the member fails to demonstrate proficiency. Authorization to carry any less than lethal tool may also be revoked for use of excessive force, refusal to participate in training, unable to respond to corrective instruction, or any unauthorized use of the tool.

1. Notice of revocation shall be forwarded in writing to the member's immediate Supervisor, Division Commander, Deputy Chief of Operations, Chief and the Training Division.

VI. REPORTING PROCEDURES:

A. All officers are required to complete a Use of Force report under the following conditions:

1. When any type of force is used against an individual by an officer. This shall include physical force, less than lethal and deadly force.
2. When a firearm is discharged by an officer, except at the firing range or destroying an animal.
3. When a person in custody receives a serious injury or has received a serious injury while being taken into custody.
4. An officer is injured in the line of duty.
5. The exception to this is when the only force used was a firm grip and/or use of handcuffs or if the force was used in a training environment. (ADM.05.04 commentary)

B. Types of force will include:

1. Joint locks.
2. Mechanical restraints.
3. Take downs.
4. Use of baton

5. Use of oleoresin capsicum spray
6. Use of Pepperball Launcher.
7. Use of Taser.
8. Use of Sims (bean bag round).
9. Use of Firearms.
10. Tools or techniques of last resort

C. Required Reporting:

1. Anytime any level of force is used in subduing and arresting combative individuals, the details of that force shall be described in full in all applicable reports. Details shall include:
 - a) A detailed description of the events leading to the necessity for the use of police action.
 - b) The amount and type of action used.
 - c) The nature and extent of injuries and treatment rendered to the suspect(s) or officer(s).
 - d) Information describing any medical treatment including the name of the facility and the attending physician.
 - e) The identity of combatants, officers involved, and witnesses.
 - f) All other pertinent information.
2. If an officer is unable to write the report, the on duty supervisor will ensure the necessary report is properly prepared and forwarded.
3. Administrative review of critical incidents:
 - a) All reported use of force will be reviewed by the officer's supervisor and Division Commander to determine whether:
 - 1) Department rules, polices or procedures were adhered to.
 - 2) The relevant policy was clearly understandable and effective to cover the situation.

- 3) Department training is currently adequate.
 - b) All findings of policy violation or training inadequacies shall be reported to the Chief of Police for resolution and discipline, if necessary.
 - c) All use of force incident reports shall be filed and maintained by the Professional Integrity Unit for annual review and analysis to ascertain training and policy needs.
 - d) Documentation of these findings will be forwarded to the Chief of Police for review.
- D. Personal Injury incidents:
 1. Photographs of the injuries will be taken, if possible, and held as evidence.
- E. Medical Aid to injured parties:
 1. When a person is injured because of an officer's use of force, the officer shall notify his immediate supervisor and seek medical treatment for the injured person, if necessary.
- F. Supervisor Responsibility:
 - A. Supervisors will ensure that a written report is submitted in all instances where a firearm is discharged other than in training.
 - B. Supervisors will be required to complete the Use of Force Report form for all types of force applied to a given incident.
 - C. Supervisors will forward the Use of Force report to their Division Commander for review.
- G. Commanders Responsibility:
 - A. Commanders will ensure that supervisors and subordinates conform to policy regarding the use of force.
 - B. Will ensure that copies of all documents concerning all use of force incidents are submitted to the Deputy Chief for review.
12. All deadly force incidents will be handled in accordance with the Officer Involved Shooting policy.

H. Administrative Duty:

1. Immediately following an officer's involvement in an incident involving serious injury or death, the officer will be automatically placed on administrative duty pending a review by the Chief of Police on the next normal work day. Unless the duty status is changed to a suspension status by the Chief of Police, the officer shall remain in an administrative duty status until such time as the matter is resolved administratively. (ADM.05.04b)
2. Assignment to administrative duty is non-disciplinary with no loss of pay or benefits. This duty is designed to: (ADM.05.04a)
 - a) Address the personal and emotional needs of the officer involved in the use of deadly force.
 - b) Insure the community that the facts surrounding the case are fully and professionally investigated.
3. An officer placed on administrative duty will be assigned to office duty in civilian clothes and placed in a position at the discretion of the Chief of Police or Deputy Chief.
4. The officer may be placed on administrative leave instead of administrative duty at the discretion of the Chief of Police. Assignment to administrative leave is non-disciplinary, with no loss of pay or benefits.
5. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
6. Officers on administrative duty or leave are authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty employment and should not enforce laws and make arrest except in emergency situations.
7. An officer whose action results in a deadly force incident will be required to counsel with the department appointed counselor. The counselor must make written notification that the officer is fit for duty before that officer returns to duty.
8. The department will make available and reserve the right to require counseling for officers who had involvement in a deadly force incident.

I. Use of Firearms-General Restrictions:

1. Handguns:

- a) Armed personnel of this department may draw and display an authorized firearm during the course of an arrest or investigation only when it is deemed necessary for the safety of the officer or another. Personnel may be required to articulate the need for the drawing and display of a firearm at any time.
- b) When any firearm is drawn or displayed, it shall not be cocked unless it is a semi-automatic pistol and is of the type that is normally carried cocked and locked.
- c) No firearm will be unnecessarily drawn or displayed nor shall they be handled in a careless manner.
- d) Members shall not draw, display, load, or unload a firearm in the police building except when so ordered by a superior officer or when an emergency exists in the building.
- e) Members shall keep the firearm clean, lubricated, and in safe working condition at all times.
- f) No alterations to the firearm which, in the opinion of the Firearms Coordinator or the Chief of Police, would make the weapon unsafe will be allowed.

2. Shotguns.

- a) Shotguns are provided with 00 buck ammunition. Slugs are authorized after completing the requirements found in 106.006 Firearms, Ammunitions, Qualifications. No other ammunition shall be carried except by members of the Special Operations Unit and those authorized to use Specialty Impact Munitions.
- b) Shotguns may be issued to every police unit. Each operator of the unit shall qualify with the shotgun and will be responsible for its proper maintenance.
- c) Shotguns may be carried either in a rack mounted in the police vehicle or in the trunk. The racks shall be locked at all times until the Officer is removing it. The release shall not be unlocked until the vehicle is in park unless an emergency situation exists that would cause the Officer to engage a threat from inside the moving vehicle.

- d) Shotguns will be removed from the racks for use anytime the facts and circumstances known to the officer at the time would cause a reasonable person to believe other authorized and available weapons are inadequate to properly control the situation.
- e) While being carried on duty, the shotgun magazine shall be loaded to capacity, the chamber shall be empty, and the safety shall be engaged.
- f) A live round of ammunition shall be placed in the chamber of the shotgun immediately upon removing it from the vehicle. The injecting of a round of ammunition into the chamber solely as a psychological tactic is prohibited.
- g) A shotgun will not be pointed at any person except when the member intends or anticipates having to lawfully fire the weapon and after complying with all other provisions of this manual.
- h) Shotguns shall be loaded and unloaded outside the police building with the barrel pointed upward or in an otherwise safe direction. Shotguns will be transported in and out of the building unloaded with the action locked open except when otherwise ordered by a supervisor or when an emergency exists therein.
- i) Shotguns designated as specialty impact weapons will be carried in a case in the trunk of the vehicle in order to minimize the risk of an officer mistaking it for a deadly force weapon.

3. Rifles

- a) Department approved rifles may be carried in a rack inside the patrol vehicle or secured in the trunk of the police vehicle. The racks shall be locked at all times until the Officer is removing it. The release shall not be unlocked until the vehicle is in park unless an emergency situation exist that would cause the Officer to engage a threat from inside the moving vehicle.
- b) While being carried on duty, the rifle magazine shall be loaded, the chamber shall be empty, and the safety shall be engaged.
- c) A live round of ammunition shall be placed in the chamber of the rifle immediately upon removing it from the vehicle. The injecting of a round of ammunition into the chamber solely as a psychological tactic is prohibited. The rifle will not be

pointed at any person except when the member intends, or anticipates having, to lawfully fire the weapon.

- e) Rifles shall be loaded and unloaded outside the police building with the barrel pointed upward or in an otherwise safe direction. Rifles will be transported in and out of the building unloaded with the action locked open, except when otherwise ordered by a supervisor or when an emergency exists therein.

J. Members To Be Armed:

- 1. Members shall be armed at all times while on duty except when granted permission by a commanding officer not to be or when law or decorum prohibits.
- 2. Officers of the Roswell Police Department are permitted to be armed at all times within the State of New Mexico in accordance with NMSA 30-7-2A(3), except:
 - a) No member of the Roswell Police Department shall carry a firearm into a licensed liquor establishment to purchase or consume alcoholic beverages unless authorized by the Chief of Police.
- 3. Carrying a weapon off duty is discretionary. When a weapon is carried off duty, it shall be concealed. Uncertified officers shall not carry a weapon off duty.
- 4. Failure to have a weapon will not relieve the officer of his responsibility for taking appropriate police action to crimes committed in his presence. However, the officer must weigh the circumstances entirely before taking any action. It may be appropriate to be an extremely good witness.
- 5. Armed personnel of this department shall file a detailed report through the Chain of Command immediately following the loss or theft of any department or personally owned weapon.

K. Surrendering Firearms:

- 1. An officer may find himself in a situation of being at the mercy of an armed suspect who has an advantage on him. Experience has shown that surrendering the officer's firearm upon demand takes away his last means of defense and does not necessarily reduce the danger to the officer. All options should be explored before surrendering your firearm.

L. Responsibility in the Event of a Discharge:

1. The discharge of a firearm by an officer in the performance of any police function shall be reported to any on-duty supervisor immediately. This includes any discharge (accidental or intentional) occurring on duty, off duty, extra duty, or overtime.
2. Should the discharge result in no injury to any person or damage to any property, the responsible supervisor will thoroughly investigate the incident to determine if the discharge was justified. A written report will be completed and submitted to the Professional Integrity Unit for review.
3. Should the discharge result in death or injury to any person or damage to any property, the officer and supervisor shall comply with the procedure set forth in Officer Involved Shooting policy.

VIII. Incidents of Force Review:

- A. The type and degree of force used shall be reasonable and based upon the facts of the situation. Only that force which is reasonable and necessary to accomplish a police function shall be applied.
- B. The use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. The use of such force will subject the member to disciplinary action as well as possible criminal and civil liability.
- C. If a use of force reasonably indicates a possible violation of Roswell Police Department policy or other inappropriate conduct, the immediate or any other supervisor will refer the matter directly to the Office of the Chief of Police to be assigned to Professional Integrity for investigation.
- D. Referrals to the Office of Professional Integrity will be automatic and take place immediately anytime there is a firearms discharge (except at the firing range or in the event of putting down an animal).
- E. The Office of Professional Integrity will be responsible for ensuring that all use of force data from all reports are regularly and accurately compiled, analyzed and reviewed.

6. The Administrative Staff will:

- a) Analyze use of force data on a quarterly, cumulative basis to detect trends.

- b) Have compiled in writing and review use of force incidents by officer and type of force used.
- c) Review this data for the purpose of identifying and acting upon their implications for policy and training designed to ensure that officers are using only appropriate types and amounts of force.

7. The Office of Professional Integrity will be responsible for compiling an annual report to be reviewed by the Chief of Police.

X. Training and Qualifications with Deadly Weapons:

- A. Officers shall receive in-service training for all authorized weapons and the department's use of force policies annually. Officers must demonstrate proficiency with each authorized weapon.
 - 1. The weapons training must be monitored by a New Mexico State certified weapons instructor.
 - 2. All training and proficiency shall be documented.
 - 3. Officers must receive training regarding the department's use of force and weapons policies prior to being authorized to carry a weapon.
- B. Officers shall carry only those weapons, deadly or non-deadly, that are authorized and registered with the department while on-duty or off-duty.
- C. Authorized weapons, deadly or non-deadly, are those with which the officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
- D. The department shall schedule regular training and qualifications sessions for duty, off-duty, specialized weapons, and non-duty weapons, which will be graded on a pass or fail basis.
- E. An officer shall not be permitted to carry any weapon, deadly or non-deadly, with which the officer has not been able to qualify during the most recent annual qualification.
- F. An officer that has taken extended leave or suffered an illness or injury that could affect the use of firearms or non-deadly weapons ability will be required to qualify before returning to regular duty.

